

AO 120 (Rev. 3/04)

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| TO: Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450 | REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK |
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In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been
 filed in the U.S. District Court for the District of North Dakota on the following ☐ Patents or ☒ Trademarks:

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| DOCKET NO. 2:10-cv-51 | DATE FILED 6/14/2010 | U.S. DISTRICT COURT District of North Dakota - North Eastern Division |
| PLAINTIFF Lee Inspection and Consulting Services, Inc. | | DEFENDANT American Defense Industries, Inc. and Timothy James Pribula |
| PATENT OR TRADEMARK NO. | DATE OF PATENT OR TRADEMARK | HOLDER OF PATENT OR TRADEMARK |
| 1 2,846,876 | May 25, 2004 | *See attached Civil Complaint |
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In the above—entitled case, the following patent(s)/ trademark(s) have been included:

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| DATE INCLUDED | INCLUDED BY <input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading | | |
| PATENT OR TRADEMARK NO. | DATE OF PATENT OR TRADEMARK | HOLDER OF PATENT OR TRADEMARK | |
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In the above—entitled case, the following decision has been rendered or judgement issued:

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| DECISION/JUDGEMENT The Terms of the Rule 68 Offer of Settlement and Acceptance were adopted by the Court on April 26, 2011. Case is closed. |
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| CLERK ROBERT ANSLEY | (BY) DEPUTY CLERK <i>/s/Leah Riveland-Foster</i> | DATE 4/26/2011 |
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Copy 1—Upon initiation of action, mail this copy to Director Copy 3—Upon termination of action, mail this copy to Director
 Copy 2—Upon filing document adding patent(s), mail this copy to Director Copy 4—Case file copy

CLOSED

U. S. District Court for the District of North Dakota (Northeastern)
CIVIL DOCKET FOR CASE #: 2:10-cv-00051-KKK
Internal Use Only

Lee Inspection and Consulting Services Inc v. American
Defense Industries Inc et al
Assigned to: Magistrate Judge Karen K. Klein
Cause: 28:1338 Trademark Infringement

Date Filed: 06/14/2010
Date Terminated: 04/26/2011
Jury Demand: Plaintiff
Nature of Suit: 840 Trademark
Jurisdiction: Federal Question

Plaintiff

**Lee Inspection and Consulting
Services Inc**

represented by **Charles von Simson**
VON SIMSON & CHIN LLP
62 WILLIAM STREET
SIXTH FLOOR
NEW YORK, NY 10005
212-514-8645
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

R. Bennett Ford , Jr.
Roy Kiesel, PLC
PO Box 15928
Baton Rouge, LA 70895-5928
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Kraig A. Wilson
MORLEY LAW FIRM
PO BOX 14519
GRAND FORKS, ND 58208-4519
701-772-7266
Email: kwilson@morleylawfirm.com
ATTORNEY TO BE NOTICED

V.

Defendant

American Defense Industries Inc

represented by **Jon J. Jensen**
PEARSON CHRISTENSEN &
CLAPP, PLLP

24 N. 4th Street
 PO BOX 5758
 GRAND FORKS, ND 58206-5758
 701-775-0521
 Email: jjensen@grandforkslaw.com
ATTORNEY TO BE NOTICED

Defendant**Timothy James Pribula**

represented by **Jon J. Jensen**
 (See above for address)
ATTORNEY TO BE NOTICED

| Date Filed | # | Docket Text |
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| 06/14/2010 | <u>1</u> | COMPLAINT filed by Lee Inspection and Consulting Services Inc. against American Defense Industries Inc. and Timothy James Pribula (Filing fee \$350, receipt number FA001927). (Attachments: # <u>1</u> Exhibit A - U.S. Patent and Trademark Office Registration No. 2,846,876, # <u>2</u> Exhibit B - Registration No. 2,846,876 acquired incontestible status, # <u>3</u> Exhibit C - Lee's Inspection certification mark, # <u>4</u> Civil Cover Sheet)(lf) (Entered: 06/14/2010) |
| 06/14/2010 | <u>2</u> | Summons Issued as to American Defense Industries Inc. and Timothy James Pribula. (lf) (Entered: 06/14/2010) |
| 06/14/2010 | <u>3</u> | REPORT on the filing or determination of an action regarding Trademark. CC: Form mailed to register with a copy of the Docket Sheet and Complaint <u>1</u> . (lf) (Entered: 06/14/2010) |
| 06/16/2010 | <u>4</u> | MOTION for Leave to Appear Pro Hac Vice Attorney: R. Bennett Ford, Jr. by Lee Inspection and Consulting Services Inc. (Fee Paid, Receipt #FA001931) (lf) (Entered: 06/16/2010) |
| 06/16/2010 | <u>5</u> | CERTIFICATE OF SERVICE by Lee Inspection and Consulting Services Inc re <u>4</u> MOTION for Leave to Appear Pro Hac Vice Attorney: R. Bennett Ford, Jr. (Note: Clerk's Office spoke with DL from the Morley Law Firm, and she indicated that she would mail the Motion to Appear Pro Hac Vice to Attorney Jon Jensen.) (lf) (Entered: 06/16/2010) |
| 06/17/2010 | <u>6</u> | ORDER (TEXT ONLY) by Magistrate Judge Karen K. Klein granting <u>4</u> Motion for Leave to Appear Pro Hac Vice as to R. Bennett Ford, Jr. (AS) (Entered: 06/17/2010) |
| 06/18/2010 | <u>7</u> | WAIVER OF SERVICE Returned Executed by Lee Inspection and Consulting Services Inc. Timothy James Pribula waiver sent on 6/17/2010, answer due 8/16/2010. (Wilson, Kraig) (Entered: 06/18/2010) |
| 06/18/2010 | <u>8</u> | CERTIFICATE OF SERVICE by Lee Inspection and Consulting Services Inc re <u>7</u> Waiver of Service Executed <i>Timothy James Pribula</i> (Wilson, Kraig) (Entered: 06/18/2010) |
| 06/18/2010 | <u>9</u> | WAIVER OF SERVICE Returned Executed by Lee Inspection and |

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| | | Consulting Services Inc. American Defense Industries Inc waiver sent on 6/17/2010, answer due 8/16/2010. (Wilson, Kraig) (Entered: 06/18/2010) |
| 06/18/2010 | <u>10</u> | CERTIFICATE OF SERVICE by Lee Inspection and Consulting Services Inc re <u>9</u> Waiver of Service Executed <i>American Defense Industries, Inc.</i> (Wilson, Kraig) (Entered: 06/18/2010) |
| 08/04/2010 | <u>11</u> | ANSWER to <u>1</u> Complaint, by American Defense Industries Inc, Timothy James Pribula.(Jensen, Jon) (Entered: 08/04/2010) |
| 08/04/2010 | <u>12</u> | CERTIFICATE OF SERVICE by American Defense Industries Inc, Timothy James Pribula re <u>11</u> Answer to Complaint (Jensen, Jon) (Entered: 08/04/2010) |
| 08/05/2010 | <u>13</u> | ORDER for Rule 26(f) Planning Meeting and Rule 16(b) Scheduling Conference, and ORDER regarding resolution of Discovery Disputes by Magistrate Judge Karen K. Klein. Scheduling Conference set for 9/1/2010 at 11:00 AM in Chambers before Magistrate Judge Karen K. Klein.(NJM) (Entered: 08/05/2010) |
| 09/01/2010 | <u>14</u> | Minute Entry for proceedings held before Magistrate Judge Karen K. Klein: Scheduling Conference held on 9/1/2010. (jo) (Entered: 09/01/2010) |
| 09/01/2010 | <u>15</u> | SCHEDULING ORDER by Magistrate Judge Karen K. Klein: Amended Pleadings due by 1/2/2011. Discovery due by 2/1/2011. Expert Witness List due by 3/1/2011. Joinder of Parties due by 3/1/2011. Dispositive Motions due by 6/1/2011.(lf) Modified on 9/2/2010 to correct file date (lf). (Entered: 09/02/2010) |
| 09/02/2010 | <u>16</u> | ORDER (TEXT ONLY) by Chief Judge Ralph R. Erickson REASSIGNING CASE to Magistrate Judge Karen K. Klein for all further proceedings. Chief Judge Ralph R. Erickson no longer assigned to the case. (lf) (Entered: 09/02/2010) |
| 09/02/2010 | <u>17</u> | NOTICE of Hearing: Jury Trial set for 9/26/2011 at 10:00 AM in Grand Forks before Magistrate Judge Karen K. Klein. (Trial estimate: 5 days)(lf) (Entered: 09/02/2010) |
| 09/08/2010 | <u>18</u> | ORDER for Final Pretrial Conference by Magistrate Judge Karen K. Klein. Final Pretrial Conference set for 9/12/2011 at 10:30 AM by telephone before Magistrate Judge Karen K. Klein. Plaintiff shall initiate the call. (lh) (Entered: 09/08/2010) |
| 11/01/2010 | <u>19</u> | ORDER by Magistrate Judge Alice R. Senechal: Early Settlement Conference set for 1/11/2011 at 9:30 AM in Grand Forks before Magistrate Judge Alice R. Senechal.(lc) (Entered: 11/02/2010) |
| 01/11/2011 | <u>20</u> | Minute Entry for proceedings held before Magistrate Judge Alice R. Senechal: Early Settlement Conference held on 1/11/2011. Case did not settle. (lc) (Entered: 01/11/2011) |
| 01/18/2011 | <u>21</u> | MOTION for Extension of Time to Complete Discovery <i>Consent Motion to Extend Discovery Deadlines</i> by Lee Inspection and Consulting Services Inc. (Wilson, Kraig) (Entered: 01/18/2011) |

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| 01/20/2011 | 22 | ORDER (TEXT ONLY) by Magistrate Judge Karen K. Klein granting <u>21</u> Motion for Extension of Time to Complete Discovery. Discovery Deadline is May 15, 2011. (NJM) (Entered: 01/20/2011) |
| 01/20/2011 | | Set/Reset Deadlines: Discovery due by 5/15/2011. (NJM) (Entered: 01/20/2011) |
| 02/18/2011 | <u>23</u> | MOTION for Leave to Appear Pro Hac Vice Attorney Charles von Simson filed by Lee Inspection and Consulting Services Inc.(Filing fee \$150, receipt number FA002346) (lc) (Entered: 02/18/2011) |
| 02/22/2011 | 24 | ORDER (TEXT ONLY) by Magistrate Judge Karen K. Klein granting <u>23</u> Motion for Leave to Appear Pro Hac Vice for Attorney Charles von Simson. (AS) (Entered: 02/22/2011) |
| 03/10/2011 | <u>25</u> | MOTION for Extension of Time to Complete Discovery by American Defense Industries Inc, Timothy James Pribula. (Jensen, Jon) (Entered: 03/10/2011) |
| 03/11/2011 | 26 | NOTICE of Hearing on Motion: <u>25</u> MOTION for Extension of Time to Complete Discovery: Motion Hearing set for 3/14/2011 at 10:00 AM by telephone before Magistrate Judge Karen K. Klein. The plaintiff is to initiate the call. (AS) (Entered: 03/11/2011) |
| 03/14/2011 | <u>27</u> | Minute Entry for proceedings held before Magistrate Judge Karen K. Klein: Motion Hearing held on 3/14/2011 re <u>25</u> MOTION for Extension of Time to Complete Discovery filed by Timothy James Pribula and American Defense Industries Inc. (DR #110314-000) (lc) (Entered: 03/14/2011) |
| 03/14/2011 | 28 | ORDER (TEXT ONLY) by Magistrate Judge Karen K. Klein granting in part and denying in part <u>25</u> Motion for Extension of Time to Complete Discovery. Expert report deadline is June 1, 2011. Rebuttal expert report deadline is July 1, 2011. Deadline to complete discovery depositions of expert witnesses extended to 8/15/11. Dispositive Motion deadline does not change. (NJM) (Entered: 03/14/2011) |
| 03/14/2011 | | Set/Reset Deadlines per text Order at #28: Expert Witness List due by 6/1/2011. (lh) Modified on 3/15/2011 to correct type of deadline; regenerated NEF (lh). (Entered: 03/14/2011) |
| 03/28/2011 | 29 | NOTICE of Acceptance with Offer of Judgment by Lee Inspection and Consulting Services Inc (Wilson, Kraig) (Entered: 03/28/2011) |
| 03/28/2011 | <u>30</u> | *RESTRICTED - WRONG EVENT SELECTED* NOTICE of Acceptance with Offer of Judgment by Lee Inspection and Consulting Services Inc (Wilson, Kraig) Modified on 3/29/2011 to restrict access (lh). (Entered: 03/28/2011) |
| 03/28/2011 | <u>31</u> | CERTIFICATE OF SERVICE by Lee Inspection and Consulting Services Inc re <u>29</u> Notice of Acceptance with Offer of Judgment (lh) (Entered: 03/29/2011) |
| 03/29/2011 | | DOCKET CORRECTION re: <u>30</u> Notice of Acceptance with Offer of Judgment. Wrong event selected. Clerk's office restricted access to document |

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| | | and re-filed as Certificate of Service at <u>31</u> . (lh) (Entered: 03/29/2011) |
| 04/20/2011 | <u>32</u> | ***RESTRICTED - WRONG ATTORNEY FILER*** SUPPLEMENT <i>Rule 68 Offer of Settlement</i> to document: <u>29</u> Notice of Acceptance with Offer of Judgment filed by Lee Inspection and Consulting Services Inc by Lee Inspection and Consulting Services Inc. (Wilson, Kraig) Modified on 4/21/2011 to restrict access. Attorney who signed the document did not file it. Pleading will be re-filed by Attorney Jon Jensen. (lf) (Entered: 04/20/2011) |
| 04/21/2011 | | DOCKET CORRECTION re: <u>32</u> Supplement (Rule 68 Offer of Settlement to document: <u>29</u> Notice of Acceptance with Offer of Judgment.) The attorney who filed the pleading was not the attorney who signed it. Pleading will be re-filed by the signatory attorney Jon Jensen. (lf) (Entered: 04/21/2011) |
| 04/21/2011 | <u>33</u> | SUPPLEMENT (<i>Rule 68 Offer of Settlement</i>) to document: <u>29</u> Notice of Acceptance with Offer of Judgment filed by Lee Inspection and Consulting Services Inc by American Defense Industries Inc, Timothy James Pribula. (Jensen, Jon) (Entered: 04/21/2011) |
| 04/21/2011 | <u>34</u> | CERTIFICATE OF SERVICE by American Defense Industries Inc, Timothy James Pribula re <u>29</u> Notice of Acceptance with Offer of Judgment, <u>33</u> Supplement (Jensen, Jon) (Entered: 04/21/2011) |
| 04/26/2011 | <u>35</u> | ORDER For Judgment (TEXT ONLY) by Magistrate Judge Karen K. Klein. The Clerk of Court is directed to enter judgment in accordance with the terms of the Rule 68 Offer of Settlement and Acceptance. Let judgment be entered accordingly. (NJM) (Entered: 04/26/2011) |
| 04/26/2011 | <u>36</u> | CLERK'S JUDGMENT adopting the terms of the Rule 68 Offer of Settlement and Acceptance. (copy of Text Only Order #35 and Judgment mailed to non-ecf attorney Charles von Simson) (lf) (Entered: 04/26/2011) |
| 04/26/2011 | <u>37</u> | REPORT on the determination of an action regarding Trademark. CC: Form mailed to register with copies of Notice of Acceptance of Rule 68 Settlement <u>29</u> , Rule 68 Offer of Settlement <u>33</u> , Judgment <u>36</u> , and docket sheet. (lf) (Entered: 04/26/2011) |

UNITED STATES DISTRICT COURT
DISTRICT OF NORTH DAKOTA

LEE INSPECTION AND CONSULTING
SERVICES, INC.,

Plaintiff

v.

AMERICAN DEFENSE INDUSTRIES, INC. and
TIMOTHY JAMES PRIBULA

Defendants.

Civil No. 2:10-CV-51

NOTICE OF ACCEPTANCE OF RULE 68 OFFER OF SETTLEMENT

TO DEFENDANTS AND THEIR ATTORNEYS OF RECORD:

Pursuant to Rule 68(a) of the Federal Rules of Civil Procedure, please take notice that plaintiff Lee Inspection and Consulting Services, Inc. hereby accepts the March 23, 2011 Rule 68 Offer of Settlement made by defendants American Defense Industries, Inc. and Timothy James Pribula.

Dated March 24, 2011



Charles von Simson
Admitted pro hac vice
von Simson & Chin LLP
62 William Street
Sixth Floor
New York, New York 10005
Telephone: (212) 514-8645
Facsimile: (212) 514-8648

Attorney for Plaintiff

UNITED STATES DISTRICT COURT
NORTHEASTERN DIVISION
DISTRICT OF NORTH DAKOTA

Lee Inspection and Consulting
Services, Inc.,

Plaintiff,

v.

American Defense Industries, Inc. and
Timothy James Pribula,

Defendants.

Case No.: 2:10-cv-51

RULE 68 OFFER OF SETTLEMENT

The Defendants, American Defense Industries, Inc. and Timothy Pribula, pursuant to Rule 68 of the Federal Rules of Civil Procedure, hereby jointly and collectively offer to pay the Plaintiff the total sum of \$15,000, plus attorney fees in the amount of \$22,000, in full and complete payment for and release of Plaintiff's claims in the pending litigation. Pursuant to Rule 68(a), the Plaintiff, within ten (10) days of being served, may accept this offer. If the Plaintiff fails to accept this offer within ten (10) days of service it is deemed unaccepted pursuant to Rule 68(b).

Your attention is further directed to Subsection (d) of Rule 68 of the Federal Rules of Civil Procedure which states "if the judgment that the offeree obtains is not more favorable than the unaccepted the offer, the offeree must pay the costs incurred after the offer was made."

Dated this 23rd day of March, 2011.

Jon J. Jensen, ND ID #04783
PEARSON CHRISTENSEN & CLAPP, PLLP
24 N. 4th St., P.O. Box 5758
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Attorney for Defendants

Local AO 450 (rev. 5/10)

United States District Court
District of North Dakota
Northeastern Division

Lee Inspection and Consulting
Services, Inc.,

JUDGMENT IN A CIVIL CASE

Plaintiff,

Case No: 2:10-cv-51

v.

American Defense Industries, Inc. and
Timothy James Pribula,

Defendants.

IT IS ORDERED AND ADJUDGED:

The terms of the Rule 68 Offer of Settlement and Acceptance are adopted by the Court. The Defendants, American Defense Industries, Inc. and Timothy Pribula shall pay the Plaintiff the total sum of \$15,000, plus attorney fees in the amount of \$22,000 for release of Plaintiff's claims against Defendants in the above-referenced case.

Date: April 26, 2011

ROBERT J. ANSLEY, CLERK OF COURT

by: /s/ Leah Riveland-Foster, Deputy Clerk